

REMARKS

Reconsideration of this application is respectfully requested. Claims 1-15 as amended remain in the case and are presented for consideration.

Initially, the undersigned would like to thank the examiner for the courtesies extended during the recent telephone interview. At the time, certain proposals for the amendment of claim 1 were presented, in an effort to more positively recite the features of the present invention. The proposals have been embodied in the amendment to claim 1 presented above, and are believed to define patentably over the cited prior art.

Claim Rejections – 35 USC Section 112

The Examiner has objected to terminology in claims 1 and 6, and in both instances, the language has been adjusted. With respect to claim 1, the word “the” has been properly spelled, and with respect to claim 6, the language now reflects that silicon is applied to the first surface and is over the printing “disposed thereon”. Both amendments are believed to overcome the deficiencies mentioned by the Examiner, and favorable consideration and withdrawal of the grounds of rejection are accordingly requested.

Claim Rejections – 35 USC Section 102

Claims 1, 2, 3 and 8 have been rejected under 35 USC Section 102(b) over Schumann et al. (WO 00/30963). This rejection is believed to be overcome by the amendments submitted with respect to claim 1, and set forth hereinabove.

Particularly, the cited reference relates to a product which has two plies, including a base and an upper layer which defines the individual products. The reference differs in many respects from the present invention, among them that the products disposed in that upper web are designed for removal and transfer to storage for shipping and later use. By contrast, and as clearly set forth in claim 1 as amended, the present method has as its object the disposition of a

plurality of labels in a single layer construction, which are then detached from the remainder of the web and directly applied to the product surface in question. The nature of the present method and particularly, the aspect of its direct operation in conjunction with the decoration or application of the labels to the ultimate product, is clearly spelled out both at the beginning and the end of the claim. This aspect, taken together with the fact that the labels of the present invention are a single ply or layer, clearly distinguishes the methodology and products disclosed in the International publication to Schumann et al., so that the rejection as it may be based on 35 USC Section 102(b) is believed to be overcome.

A further distinguishing aspect of the method of the present invention relates to the fact that as set forth in the last four lines of the claim, the adhesive on the “second surface” of the labels contacts and adheres to the surface of the product container to which the label is to be applied, and by doing so, permits the relative movement of the product to assist in the separation of the label from the web so that the remainder material of the web is only that of the single web skeleton. This is clearly not disclosed in the International publication to Schumann et al. and represents a further significant distinction therefrom.

Claim Rejection – 35 USC Section 103

Claim 5, 10, 11 and 12 have been rejected under 35 USC Section 103(a) as unpatentable over Schumann et al. and further in view of Jeffries (US 3,880,692). As this rejection may pertain to the claims as amended, it is traversed.

Jeffries fails to cure the deficiencies of Schumann et al., as Jeffries concerns itself with the application of adhesive to a surface of a label. In other respects, however, Jeffries fails to disclose that a web of single ply construction bearing a series of labels, all as set forth in claim 1 as amended, could be prepared and used in a method for direct application to a product. Thus, assuming arguendo, that the combination of Jeffries and Schumann et al. is proper, which applicant submits, is not so, it still fails from a factual standpoint, to provide the necessary suggestion to the artisan that the present method as claimed could be arrived at and practiced.

For this reason, therefore, the rejection as it may pertain to the combination of Schumann et al. and Jeffries is believed to be overcome, and withdrawal thereof is requested.

Claims 4 and 9 have been rejected under 35 USC Section 103(a) as unpatentable over Schumann et al. in view of West et al. (US 5,275,678). As this rejection may pertain to the claims as amended, it is traversed.

The deficiencies of Schumann et al. have been pointed out in regard to the rejections based on anticipation and with respect to the rejection discussed above, and such comments are reiterated and incorporated herein. Like Jeffries, West et al. fails to cure the deficiencies of the primary reference, as the same teachings that are missing from the primary reference are not supplied by this secondary reference. West et al. is directed to a means by which labels bearing adhesive are treated prior to application so that the adhesive will operatively secure the labels onto containers. There is, however, no disclosure in West et al. of the construction of the labels of the present invention or the specific method by which they are dispensed and conveyed directly into contact with the product container surface. Thus, the combination of West et al. and Schumann et al. remains deficient and does not provide the requisite teaching to the artisan to arrive at the present invention. Accordingly, withdrawal of the rejection as it may be based on West et al. and Schumann et al. is believed to be in order, and is requested.

Claim 6 has been rejected under 35 USC Section 103(a) as unpatentable over Schumann et al. in view of Osaka (US 6,030,482). As this rejection may pertain to the claims as amended, it is traversed.

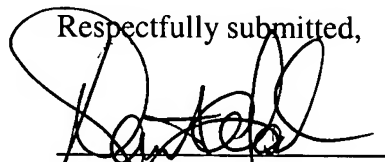
Once again, the comments with respect to Schumann et al. recited above are incorporated herein by reference and made a part hereof. The deficiencies of Schumann et al. are not remedied by Osaka, as Osaka relates only to the application of a silicone layer over the printing or first surface of a label, to act as a release material. There is no disclosure in Osaka of the single layer construction of the present web or the means by which the present labels are extracted from such web and directly applied to product containers. Thus, the rejection as it may be based on the combination of Schumann et al. and Osaka is believed to be deficient and

overcome, and withdrawal thereof is likewise requested.

To summarize, therefore, the features of the present method are believed to be more clearly recited in the redraft of claim 1, and upon a review of same, the patentable distinctions between the claim and that of the primary reference to Schumann et al. are made manifestly apparent. Thus, applicants believe that patentable subject matter has now been clearly defined and that all grounds of rejection have been overcome. Should the Examiner believe that other issues remain for resolution, she is invited to call the undersigned at the number listed below. The Examiner is again thanked for the courtesies extended in the discussions had with regard to this case, as such discussions were clearly productive in the development of the present response.

In view of the above and foregoing, reconsideration and withdrawal of the outstanding grounds of objection and rejection and early allowance of the claims as amended is believed to be in order and is courteously solicited.

Respectfully submitted,



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